

Exhibit 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-
Defendant

v.

APPLE, INC.,

Defendant,
Counterclaimant.

Case No. 4:20-CV-05640-YGR

DECLARATION OF HERBERT HOLZER IN
IN RESPONSE TO EPIC GAMES, INC.'S
ADMINISTRATIVE MOTION TO SEAL
SUPPORTING EXHIBITS TO J. WESLEY
EARNHARDT'S DECLARATION

I, Herbert Holzer, declare as follows:

1. I am currently the Director of Software & Apps for Microsoft Digital Store at Microsoft Corporation ("Microsoft"). The facts stated in this declaration are based on my own personal knowledge and, if called as a witness, I could and would testify to those facts.

2. In my current role at Microsoft, I am responsible for apps and software category business planning and management. I have been employed with Microsoft since April 2015. Based on my work experience, I am familiar with Microsoft's business strategies, sales data, and licensing practices as it relates to the Windows Store. Microsoft keeps such information confidential to protect itself and its partners from potential harm.

3. I understand that Epic Games, Inc. ("Epic") submitted the document bearing bates-stamped number MSFT_EPIC_00008040 that contains Microsoft confidential information as an exhibit in support of a motion they filed in the above-captioned legal case. I also understand Microsoft is concurrently filing a declaration in response to Epic's motion, and I make this declaration in support of Microsoft's declaration. I further understand that Epic filed sealed copies of the document bearing bates-stamped number MSFT_EPIC_00008040 as part of its submission. I have reviewed the document bearing bates-stamped number MSFT_EPIC_00008040 and explain below why the portion of the document is redacted in

1 Exhibit A attached hereto contains sensitive and highly confidential information that would cause
2 serious harm to Microsoft if publicly released.

3 4. The highlighted portions of the document bearing bates-stamped number
4 MSFT_EPIC_00008040 filed under seal are confidential to Microsoft and would result in harm if
5 publicly disclosed. Microsoft treats the information sensitively, and only discloses it to a select
6 group of individuals on a need-to-know basis.

7 5. The highlighted portion of the document bearing bates-stamped number
8 MSFT_EPIC_00008040 is confidential and would result in harm if publicly disclosed. The
9 highlighted information reflects non-public financial data for Windows Store costs which
10 discloses the Windows Store business strategy, including line item costs associated with operating
11 the Windows Store. If Microsoft's developers and competitors were to obtain such information, it
12 would place Microsoft at a competitive disadvantage and potentially could be used to harm
13 Microsoft's relationships with business partners. With respect to developers, disclosure of the
14 information would harm Microsoft during contract negotiations with developers because
15 developers could use cost information to approximate the degree to which a particular developer
16 contributes to Microsoft's Windows Store revenue and sales. Developers with greater market
17 share would have increased leverage in negotiations than they would otherwise but for the
18 disclosure of this information. With respect to competitors, disclosure of the information would
19 provide competitors with valuable strategic information that could be used to undercut
20 Microsoft's position in the app industry.

21 I declare under the penalty of perjury of the laws of the United States of America that the
22 foregoing is true and correct.

23 Executed this 13th day of May 2021 in Redmond, Washington.

24
25 /s/ Herbert Holzer
Herbert Holzer

ATTESTATION

I, David P. Chiappetta, am the ECF user whose ID and password are being used to file the above Declaration. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Herbert Holzer has concurred in the aforementioned filing.

/s/ David P. Chiappetta
David P. Chiappetta

EXHIBIT A

**Redacted Version of Document Sought to
be Sealed**

Windows Store- 3P Costs

2019

2020

Notes

Redacted